

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

SEP 07 2018

**INSURANCE COMMISSIONER
OKLAHOMA**

STATE OF OLKAHOMA, ex rel.)
JOHN D. DOAK, Insurance)
Commissioner,)

Petitioner)

Case No. 16-1027-DIS

v.)

CONNIE LYNETTE HOLT,)
A licensed bail bondsman in the)
State of Oklahoma,)

Respondent.

ADMINISTRATIVE ORDER

This matter is a proceeding under the Bail Bond Act, 59 O.S. §§ 1301, et seq. and is conducted pursuant to the Oklahoma Administrative Procedures Act, 75 O.S. §§ 301, et seq., whereby Respondent, Connie Lynette Holt, is a licensed bail bondsman in the State of Oklahoma, holding license 40081904. The Oklahoma Insurance ("OID") filed and issued a Notice of Hearing and Order to Show Cause as to why the bail bond license of Connie Lynette Holt should not be immediately cancelled, suspended, revoked and/or whether she should be fined based upon allegations set forth in the Notice of Hearing and Order to Show Cause which were actions asserted by the OID to be violations of the Oklahoma Bail Bond Act, 59 O.S. §§ 1301-1341. Proper notice was given to the Respondent of the hearing by certified mail and the Order setting a hearing date of February 8, 2017 at 9:30 a.m. was received by Respondent with that notice. Subsequent to receipt of the notice of hearing, the parties by and through Sandra LaVenue, Senior Counsel for the OID and Jeff Eulberg, counsel for the Respondent

agreed to continue the hearing on the issues related to this matter until March 7, 2017 at 9:30 a.m. at the offices of the OID.

On March 7, 2017, the above captioned case came on for hearing at the office of the Department of Insurance, 3625 N.W. 56th Street, Oklahoma City, Oklahoma 73112, and testimony and evidence was received at that time. Oklahoma Insurance Commissioner John D. Doak had appointed the independent Hearing Examiner, John D. Miller, to preside at the hearing as a quasi-judicial officer pursuant to 59 O.S. § 1311.1. The hearing was recorded electronically by employees of the OID. Petitioner was represented by Senior Counsel, Sandra LaVenue. Respondent, Connie Lynette Holt appeared in person and was represented by her attorney, Jeff Eulberg. Testimony and evidence and evidence was heard in regards to four separate cases related to the Respondent before the undersigned Hearing Examiner. Due to the amount of evidence submitted, the Hearing Examiner took the matters under advisement to review the evidence prior to issuance of his findings.

Therefore after consideration of the testimony and evidence presented, this independent Hearing Examiner issues his Order of findings of fact and conclusions of law as to this particular case.

FINDINGS OF FACT

1. John D. Doak is the Insurance Commissioner of the State of Oklahoma and as such is charged with the duty of administering and enforcing all provisions of the Oklahoma Bail Bond Act, 59 O.S. §§ 1301-1341.

2. Respondent, Connie Lynette Holt, is a licensed bail bondsman in the State of Oklahoma holding license number 40081904 with a mailing address on record with the OID of 604 N. Reformatory Road, El Reno, OK 73036.

3. OID has jurisdiction over the subject matter raised in this action and likewise has the jurisdiction and authority to impose penalties for any and all violations of the Oklahoma Bail Bond Act committed by the Respondent and which are established by clear and convincing evidence.

4. The Insurance Commissioner, pursuant to 59 O.S. § 1311.1, appointed the undersigned independent Hearing Examiner and that this Hearing Examiner has the jurisdiction to sit as a quasi-judicial officer and to rule on the matters related to this case.

5. Respondent, Connie Lynette Holt, on or about July 15, 2014, executed an appearance bond for Defendant, Stacy Ann Carman, in Canadian County, Oklahoma misdemeanor case no. CM-2010-789 in the bond amount of \$2,500.00 with power of attorney no. U3-20504432. The surety was United States Fire Insurance Company (USFIC).

6. On July 11, 2016, the Defendant failed to appear and the court issued a bench warrant and the bond was declared forfeited. An Order and Judgment of Forfeiture was issued and filed in the case on July 21, 2016, by the Canadian County District Court. A true and correct copy of the Order and Judgment of Forfeiture was mailed to Respondent Holt and USFIC by USPS certified mail with return receipt within thirty (30) days after the filing of the Order.

7. Respondent Holt received a copy of the Order and Judgment of Forfeiture on August 1, 2016.

8. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture was October 31, 2016, at which point the Defendant had not been returned to custody or the forfeiture paid.

9. On November 3, 2016, the Canadian County Court Clerk sent notice to the OID that neither Holt nor USFIC had paid the bond forfeiture by the ninety-first (91st) day as required by 59 O.S. § 1332(D).

10. On November 8, 2016, Respondent Holt went to the Canadian County Court Clerk's Office and handed a Motion to Exonerate to the court clerk on duty. Respondent Holt was informed that a Notice of Nonpayment of Forfeiture had already been sent to the OID.

11. Respondent Holt then produced and filed a Certificate of Surrender signed by Canadian County jailer Guadalupe Rodriguez which certified that Stacy Carmen had been returned to custody by Respondent Holt on October 30, 2016.

12. Based upon the Certificate of Surrender dated October 30, 2016, submitted by Respondent Holt, the Court Clerk, Assistant DA Paul Hesse and ultimately Judge Barbara Hatfield signed off on a Motion and Order to Exonerate Bond in Canadian County case CM-2010-789.

13. Subsequent to the Court's exoneration of the bond, the Court Clerk's Office noticed that the bench warrant for the Defendant, Stacy Carman, had not been returned and no bonds had been released. Based on this discovery, the Court Clerk's Office conducted further investigation and was unable to find the Defendant's name on any jail sheets for October 30, 2016 or any days surrounding that date.

14. The Court Clerk then contacted the Canadian County jail and was told that the Defendant had not been in the Canadian County jail since 2014.

15. Canadian County jailer, Guadalupe Rodriguez, stated that the jail was extremely busy when Respondent Holt submitted the Certificate of Surrender and he signed the Certificate without checking to confirm the presence of the Defendant in the jail.

16. On November 9, 2016, upon learning that Stacy Carman had not been returned to custody of the Canadian County Jail as stated in the Certificate of Surrender, Judge Barbara Hatfield vacated the Order to Exonerate she had executed the day before.

17. On December 21, 2016, Respondent paid the Court Clerk the Bond Forfeiture amount of Two Thousand Five Hundred Dollars (\$2,500.00).

18. On January 31, 2017, Respondent filed a Motion and Order to Exonerate Bond, power of attorney number U3-20504432, in the Canadian County Court Clerk's Office in Case CM-2010-789.

19. Pursuant to 59 O.S. § 1310(A) and (B) of the Oklahoma Bail Bond Act, the Insurance Commissioner has the authority to impose certain statutory penalties including but not limited to the denial, censure, suspension, revocation of a bail bond license as well as impose a civil penalty of a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for each occurrence or violation of the provisions of the Oklahoma Bail Bond Act.

CONCLUSIONS OF LAW

1. Respondent Holt violated 59 O.S. § 1332(D) by failing to return the Defendant, Stacy Carman, to custody within ninety (90) days or deposit cash or other valuable securities in the face amount of the bond of \$2,500.00 with the Canadian County Court Clerk in Case no. CM-2010-789 on the ninety-first (91st) day after her receipt of the Order and Judgment of Forfeiture and the Forfeiture had not been stayed.

2. Respondent Holt violated 59 O.S. § 1310(A) 2 and 7 by violating 59 O.S. § 1332(D) as stated in Section 1 above.

3. Respondent Holt violated 59 O.S. § 1310(A) 28 by failing to pay fees timely to the Canadian County District Court Clerk as required by this title and more specifically stated in Section 1 above.

4. Respondent Holt's conduct and pattern of conduct in obtaining the signature from a jailer of the Canadian County Jail without any apparent attempts to establish on her own the presence of the Defendant being in custody through her contacts and by presenting a Certificate of Surrender to the jailer at a time things were generally busy at the jail demonstrates an unfitness to act as a bail bondsman. There is no doubt the jailer failed to meet the appropriate standards by signing the Certificate of Surrender but that does not absolve the Respondent of her ethical and legal responsibilities of her vocation. By clear and convincing evidence of numerous occasions of this type of conduct through the testimony and evidence presented, there has been exhibited a pattern of behavior by Respondent Holt which establishes fraudulent and dishonest practices as well as conduct which demonstrates untrustworthiness. These conduct or practices render Respondent Holt unfit to carry on in the bail bond business and exhibits conduct which is detrimental to the public interest.

As a result Respondent Holt has violated 59 O.S. § 1310 (A), Subsections 6, 9 and 28 of the Oklahoma Bail Bond Act.


ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that it has been established by clear and convincing evidence that Respondent, Connie Lynette Holt, has violated 59 O.S. § 1310(A), Subsections 2, 6, 7, 9 and 28 of the Oklahoma Bail Bond Act and as result a her bail bond license is ordered REVOKED.

IT IS FURTHER ORDERED that Connie Lynette Holt is assessed the costs of this matter in the amount of Three Hundred Seventy Five Dollars (\$375.00) to be paid to the Oklahoma Insurance Department within thirty (30) days of the receipt of this Order.

WITNESS My Hand this 7th day of September, 2018.





JOHN D. MILLER, OBA # 6213
INDEPENDENT HEARING EXAMINER
OKLAHOMA INSURANCE DEPARTMENT

CERTIFICATE OF MAILING


I, Sandra LaVenue, hereby certify that a true and correct copy of this above and foregoing Administrative Order was mailed via certified mail with return receipt requested, and via regular mail, on this 7th day of September, 2018, to:

Jeff Eulberg
Eulberg Law Office, PLLC
925 S. 6th
Oklahoma City, OK 73106

CERTIFIED MAIL NO: 7017 1450 0002 2806 5734

And that a copy was delivered to

OID Bail Bond Division



Sandra LaVenue
Senior Counsel, OID
3625 NW 56th Street, Suite 100
Oklahoma City, OK 73112

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